

REMARKS

This application has been carefully reviewed in light of the Office Action dated November 16, 2006. Claims 1 to 57 have been cancelled, without prejudice or disclaimer of subject matter, and claims 58 to 90 have been added. Claims 58 and 88 to 90 are the independent claims herein. Reconsideration and further examination are respectfully requested.

Initially, the Applicant's undersigned representative thanks Examiner Yang for the thoughtful courtesies and kind treatment afforded during the personal interview conducted on February 1, 2007. In the interview, the substance of the new claims were discussed in the context of a proposed claim. At the conclusion of the interview, Examiner Yang agreed that the features of defining a circle around the central point and highlighting a region appeared to overcome the applied references, although further search and consideration would be required. All parties agreed that the substance of the new claims generally advanced prosecution and that the interview aided the mutual understanding of the disclosure.

In the Office Action, claims 1 to 10, 12, 15 to 40 and 42 to 51 were rejected under 35 U.S.C. § 112, ¶ 1; claims 1 to 10, 12, 15 to 33 and 42 to 57 were rejected under 35 U.S.C. § 103(a) over U.S. Patent Application Publication No. 2004/0113912 ("Brooks") in view of U.S. Patent Application Publication No. 2004/0070624 ("Fushimi") and U.S. Patent No. 6,923,653 ("Ito"); and claims 34 to 40 were rejected under 35 U.S.C. § 103(a) over Brooks, Fushimi, Ito and further in view of U.S. Patent No. 6,011,537 ("Slotznick"). As indicated above, claims 1 to 57 have been cancelled herein, without prejudice or disclaimer of subject matter, and without conceding the correctness of the rejection. New claims 58 to 90 have been added, with each independent claim including at least the features that: *i*) a circle is defined around the central point intersecting each data dimension at a designated point associated with or identifying a reference value of each key performance indicator, and *ii*) a portion of the region outside of the circle is highlighted with a first characteristic (such as a color, shade or texture), and a portion of the region inside of the circle is highlighted with a second characteristic. Since support for the substance of the independent claims is recited throughout the disclosure, including at least pages 6 to 9 of the specification and FIGS. 1, 11 and 15, the Applicant respectfully asserts that no new

matter has been added. Withdrawal of the § 112 and § 103 rejections, as moot, is respectfully requested.

According to the present disclosure, data dimensions are displayed radiating from a central point in a common plane for each of a plurality of key performance indicators, and a circle is defined around the central point intersecting each data dimension at a designated point associated with or identifying a reference value of each key performance indicator. The data is displayed as points on the data dimensions associated with the key performance indicators, each of the points being disposed on an outside of the circle if the data exhibits a negative exception, on the circle if the data exhibits a reference value, or on an inside of the circle if the data exhibits a positive exception. A region is defined, and a portion of the region outside of the circle is highlighted with a first characteristic, and a portion of the region inside of the circle is highlighted with a second characteristic.

Referring to particular claim language, independent claim 58 recites a method including associating a data dimension with each of at least first through third key performance indicators, displaying each data dimension as a line of radiating from a central point in a common plane, and computing, for each key performance indicator, a reference value. The method also includes associating, for each data dimension, the reference value of each key performance indicator with a designated point on each data dimension, each designated point being equidistant from the central point, defining a circle around the central point intersecting each data dimension at the designated point, the circle identifying the reference value of each key performance indicator, and receiving data relating to each of the key performance indicators. Furthermore, the method also includes computing, for each key performance indicator, a value based upon the received data, and determining, for each key performance indicator, whether the value exhibits the reference value, a positive exception, or a negative exception. Moreover, the method includes displaying the data as first through third points on the data dimensions associated with the first through third key performance indicators, respectively, each of the first through third points being disposed on an outside of the circle if the data is determined to exhibit the negative exception, on the circle if the data is determined to exhibit the reference value, or on an inside of the circle if the data is determined to exhibit the positive exception, defining a region bounded by the central point, the first point and the second point, and highlighting a portion of the region

outside of the circle with a first color, shade or texture, and a portion of the region inside of the circle with a second color, shade or texture.

Independent claim 89 and 90 respectively recite a device and a computer program product which substantially correspond to the method recited by independent claim 58.

Independent claim 88 recites a method including displaying, for each of a plurality of key performance indicators, linear data dimensions radiating from a central point in a common plane, and defining a circle around the central point intersecting each data dimension at a designated point associated with a reference value of each key performance indicator, the circle connecting adjacent designated points via curved line segments. The method also includes displaying the data as points on the data dimensions associated with the key performance indicators, each of the points being disposed on an outside of the circle if the data exhibits a negative exception, on the circle if the data exhibits a reference value, or on an inside of the circle if the data exhibits a positive exception. Furthermore, the method includes defining a region bounded by the central point, the circle, at least one point, and/or a data dimension, and highlighting a portion of the region outside of the circle with a first characteristic, and a portion of the region inside of the circle with a second characteristic.

The applied art is not seen to disclose, teach or to suggest the foregoing features recited by the independent claims. In particular, neither Brooks, Fushimi nor Ito, either alone or in combination (assuming *arguendo* that such a combination were possible) are seen to disclose at least the features that: *i*) a circle is defined around the central point intersecting each data dimension at a designated point associated with or identifying a reference value of each key performance indicator, and *ii*) a portion of the region outside of the circle is highlighted with a first characteristic (such as a color, shade or texture), and a portion of the region inside of the circle is highlighted with a second characteristic.

Brooks describes the control of a multi-variable process using a multi-dimensional representation of the values of the process variables according to individual coordinate axis. See Brooks, Abstract. As shown in Figure 9, polygonal lines UL and LL represent upper and lower control limits for each variable. See Brooks, ¶ [0063]; and FIG. 9. Where a variable is outside its limit, a caret appears at the violated limit. See id. No mention is made in Brooks, however, about a circle which circumscribes reference values for any of the individual coordinate axis.

Furthermore, since caret-based indicia (and not region-highlighting indicia) are utilized, Brooks is not seen to describe at least the features that: *i*) a circle is defined around the central point intersecting each data dimension at a designated point associated with or identifying a reference value of each key performance indicator, and *ii*) a portion of the region outside of the circle is highlighted with a first characteristic (such as a color, shade or texture), and a portion of the region inside of the circle is highlighted with a second characteristic.

Fushimi fails to remedy the deficiencies of Brooks. In particular, Fushimi describes the display of a radar chart which allegedly provides for visibility of displayed features regardless of the number of displayed items. *See Fushimi, Abstract.* The degree of association between input data and arranged keyword is analyzed, and the keyword is positioned based upon the analysis. *See Fushimi, ¶ [0078] to [0079].* By these means, “vertical spring forces” adjust the position where labels and arranged keywords are displayed. *See Fushimi, ¶ [0041] to [0043] and [0089] to [0090].* While Fushimi, and indeed many other references, describe generic radar charts, nothing in this reference is seen to remotely correspond to at least the features that: *i*) a circle is defined around the central point intersecting each data dimension at a designated point associated with or identifying a reference value of each key performance indicator, and *ii*) a portion of the region outside of the circle is highlighted with a first characteristic (such as a color, shade or texture), and a portion of the region inside of the circle is highlighted with a second characteristic.

Ito fails to remedy the deficiencies of both Brooks and Fushimi. Like Brooks and Fushimi, Ito also describes a generic radar chart, albeit one which is ostensibly (and ominously) used to “enhance people’s will to achieve results.” *See Ito, Abstract.* While it is true that these radar charts display base data and mean values for multiple axis corresponding to “will-enhancement factors,” it is also true that the further step of defining and highlighting regions based upon the plotted data is simply not contemplated by Ito. *See Ito, col. 15, ll. 8 to 15.* Without this enhancement, Ito cannot possibly be seen to include at least the features that: *i*) a circle is defined around the central point intersecting each data dimension at a designated point associated with or identifying a reference value of each key performance indicator, and *ii*) a portion of the region outside of the circle is highlighted with a first characteristic (such as a

color, shade or texture), and a portion of the region inside of the circle is highlighted with a second characteristic.

Accordingly, the combination of references no longer supports a *prima facie* case of obviousness.

Based on the forgoing amendments and remarks, independent claims 1, 11, 15 and 21 are believed to be allowable over the applied references. The other rejected claims in the application are each dependent on these independent claims and are thus believed to be allowable over the applied references for at least the same reasons. Because each claim is deemed to define additional aspects of the disclosure, however, the individual consideration of each claim on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance and such action is courteously solicited.

No fees are believed to be due at this time. Please apply any other charges or credits to deposit account 06 1050.

Respectfully submitted,

Date: February 2, 2007



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